

Revised: March 8, 2018

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SHERI BUTLER BROCKINGTON, :
on behalf of herself and others :
similarly situated Plaintiff(s), : No. 25-cv-2881 () (OTW)
:-----
-against- :
:-----
EDEN BRANDS INC. :
: Defendant(s). :
:----- x -----

REPORT OF RULE 26(f) MEETING AND PROPOSED CASE MANAGEMENT PLAN

In accordance with Federal Rule of Civil Procedure 26(f), counsel for the parties spoke on July 17, 2025 and exchanged communications thereafter, and submit the following report of their meeting for the court's consideration:

1. Summary of Claims, Defenses, and Relevant Issues**Plaintiff:**

This putative class action relates to violation of the Telephone Consumer Protection Act for individuals who were called without a prior relationship with the Defendant despite being on the National Do Not Call Registry.

Defendant:

Defendant's defense relates to plaintiff's failure to adequately state a claim for which relief can be granted under the Telephone Consumer Protection Act ("TCPA"). Defendant's defense further relates to Plaintiff's telephone number giving prior express consent to contact such regardless of Plaintiff's phone number being on the National Do not Call Registry.

2. Basis of Subject Matter Jurisdiction: Federal Question

3. Subjects on Which Discovery May Be Needed

Plaintiff:

The marketing text messages and calls sent by the Defendant so an expert can compare them to the National Do Not Call Registry and the Reassigned Number Database.

Defendant: The context in which Plaintiff's telephone was placed on the National Do not Call Registry. When Plaintiff's phone number was given to Defendant with prior express consent to contact them.

4. Informal Disclosures

The information required by Rule 26(a)(1) of the Federal Rules of Civil Procedure was disclosed by Plaintiff(s) on July 22, 2025 _____. In addition, on July 22, 2025 _____, Plaintiff(s) produce an initial set of relevant documents identified in its Initial Disclosures and will continue to supplement its production.

The information required by Rule 26(a)(1) of the Federal Rules of Civil Procedure was* disclosed by Defendant(s) on _____. In addition, on August 12, 2025, Defendant(s) will produce an initial set of relevant documents identified in its Initial Disclosures and will continue to supplement its production.

* See paragraph 13 below

5. Formal Discovery

The parties jointly propose to the Court the following discovery plan:

- a. All fact discovery must be completed by February 2, 2026 _____ .
- b. The parties are to conduct discovery in accordance with the Federal Rules

of Civil Procedure and the Local Rules of the Southern District of New York. The following interim deadlines may be extended by the parties on consent without application to the Court,

provided that the parties meet the deadline for completing fact discovery set forth in 3(a)

above.

- i. Depositions: Depositions shall be completed by February 2, 2026 and limited to no more than 7 depositions per party. Absent an agreement between the parties or an order from the Court, non-party depositions shall follow initial party depositions.
- ii. Interrogatories: Initial sets of interrogatories shall be served on or before January 2, 2026. All subsequent interrogatories must be served no later than 30 days before the discovery deadline.
- iii. Requests for Admission: Requests for admission must be served on or before January 2, 2026.
- iv. Requests for Production: Initial requests for production were/will be exchanged on January 2, 2026 and responses shall be due on February 2, 2026. All subsequent requests for production must be served no later than 30 days before the discovery deadline.
- v. Supplementation: Supplementation under Rule 26(e) must be made within a reasonable period of time after discovery of such information.

6. **Anticipated Discovery Disputes**

Are there any anticipated discovery disputes? Does either party seek limitations on discovery? Describe.

None at this time

7. **Amendments to Pleadings**

- a. Are there any amendments to pleadings anticipated?

No

- b. Last date to amend the Complaint: September 12, 2025

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8. Expert Witness Disclosures

At this time, the parties Xdo/do not (circle one) anticipate utilizing experts. Expert discovery shall be completed by April 3, 2026 .

9. Electronic Discovery and Preservation of Documents and Information

a. Have the parties discussed electronic discovery? Yes _____

b. Is there an electronic discovery protocol in place? If not, when the parties expect to have one in place? One does not appear to be needed _____

c. Are there issues the parties would like to address concerning preservation of evidence and/or electronic discovery at the Initial Case Management Conference?

10. Anticipated Motions

The Plaintiff anticipates filing a motion for class certification by April 17, 2026. The Defendant anticipates filing a pre-answer Motion to Dismiss under Federal Rule of Civil Procedure 12(b)(6) in response to Plaintiff's amended complaint

11. Early Settlement or Resolution

The parties Xhave/have not (circle one) discussed the possibility of settlement. The parties request a settlement conference by no later than April 2026 . The following information is needed before settlement can be discussed:

The text messages sent to putative class members so an expert can evaluate them

12. Trial

a. The parties anticipate that this case will be ready for trial by Fall 2026 .

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- b. The parties anticipate that the trial of this case will require 5 days.
- c. The parties do/do notX (circle one) consent to a trial before a Magistrate Judge at this time.
- d. The parties request a Xjury/bench (circle one)trial

13. Other Matters

On August 12, 2025, Defendant will provide responses to plaintiff's first set of discovery demands, including interrogatories and request for admission dated June 3, 2025.

On August 12, 2025 Defendant will produce the information required by Federal Rule of Civil Procedure 26(a)(1).

Respectfully submitted this 22nd day of
July, 2025.

ATTORNEYS FOR DEFENDANT(S):



Sean Burns

ATTORNEYS FOR PLAINTIFF(S): /s/ Anthony
Paronich